

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

ANGELA DENISE NAILS,)
)
 Plaintiff,) CIVIL ACTION NO.
)
 v.) 1:06cv797-MHT
) (WO)
 ULTIMATE BUSINESS)
 SOLUTIONS,)
)
 Defendant.)

OPINION

By order entered on January 11, 2007, this court required plaintiff Angela Denise Nails to "show cause, if any there be, in writing by January 26, 2007, as to why this lawsuit should not be dismissed because the amount in controversy is not more than \$ 75,000.00." Nails v. Ultimate Business Solutions, 2007 WL 98718, *1 (M.D. Ala. 2007).

This show-cause order was based on the following observations: (1) Nails "brought this lawsuit against

defendant Ultimate Business Solutions (UBS), complaining that UBS improperly withdrew \$ 198.00 from her banking account and asking for \$ 45 millions in damages." Id.

(2) She appears to attempt to base jurisdiction on diversity of citizenship, see 28 U.S.C. § 1332, for there is no indication of any other basis, such as "federal question," see 28 U.S.C. § 1331, for jurisdiction. Acting sua sponte, this court raised the question whether, although this action is between citizens of Alabama and California, the case meets the requirement of more-than-\$ 75,000. The court noted that it was "obligated to carefully examine its jurisdiction over a case and raise itself the issue of lack of subject-matter jurisdiction when necessary." Id. (3) The court observed that "Nails alleges in her complaint that UBS improperly withdrew \$ 198.00 from her checking account," id., and that, while she "seeks a return of the \$ 198.00 and \$ 45 million for mental anguish and stress," id., it appears "greatly doubtful that Nails can recover the

requisite more-than-\$ 75,000, let alone \$ 45 million for the loss of \$ 198.00 from her checking account." Id.

(4) Finally, the court concluded that it "appears that it may be clear to a legal certainty that Nails's claim would only support a recovery for an amount far, far less than the required more-than-\$ 75,000." Id.

The court observed in passing that,

"So far this year and the second half of last year, in what is developing into a clear abuse of the legal process, Nails has brought 21 lawsuits in forma pauperis, of which 15 have already been summarily dismissed. She seems to be suing everyone with whom she has a dispute, no matter how minor, and asking for exorbitant sums in damages"

Id. n. 1. This court is there most familiar with Nails and her litigation.

Although Nails has, today, filed a response to the show-cause order, she has still failed to provide any evidence from which someone could reasonably conclude that she could recover the requisite more-than-\$ 75,000 in this case. This lawsuit is therefore due to be

dismissed without prejudice for want of subject-matter jurisdiction. As this court has repeatedly told Nails in her other cases (albeit seemingly without effect), her case belongs, if any where, in state court.

An appropriate judgment will be entered.

DONE, this the 29th day of January, 2007.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE